

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 09/932,613

Confirmation No. 5083

Applicant: Beltzer et al.

Filed: August 17, 2001

TC/AU: 1645

Examiner: Patricia Ann Duffy

Docket No.: 706443 (Client Reference No. PF529)

Customer No.: 73326

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO PERFECT PRIORITY CLAIM

Sir:

Applicants hereby petition to perfect the priority claim in the referenced patent application under 37 C.F.R. § 1.78(a)(6).

Applicants filed the referenced patent application on August 17, 2001. The unexecuted "Combined Declaration For A Patent Application And Power Of Attorney," was filed with the referenced patent application on August 17, 2001, and set forth a priority claim to U.S. Provisional Patent Application No. 60/226,700 filed August 18, 2000.

The priority claim was acknowledged by the Office on the first Official Filing Receipt that was mailed on October 1, 2001, a copy of which is enclosed herewith as Exhibit A.

The priority claim also was acknowledged by the Office on the front page of the corresponding patent application publication, namely, U.S. Patent Application Publication No. 2003/0091565 A1, a copy of which is enclosed herewith as Exhibit B.

A Notice of Abandonment was mailed on November 30, 2005, for the referenced patent application.

Applicants desire to ensure a proper record concerning the priority claim in the referenced patent application. Accordingly, Applicants are filing this Petition to Perfect Priority Claim.

In accordance with 37 C.F.R. §§ 1.78(a)(4) and 1.78(a)(6), Applicants note the following:

(i) In accordance with 37 C.F.R. § 1.78(a)(5)(i), the referenced non-provisional application identified the prior-filed provisional application by application number on the unexecuted "Combined Declaration For A Patent Application And Power Of Attorney" that was filed together with the referenced non-provisional application on August 17, 2001.

(ii) The reference required by 35 U.S.C. § 119(e) and 37 C.F.R. § 1.78(a)(5) to the prior-filed provisional application is submitted herewith by way of the accompanying Application Data Sheet.

(iii) As regards the surcharge set forth in 37 C.F.R. § 1.17(t), it is believed that there is no charge for this request because the Office previously acknowledged the priority claim, as evidenced by Exhibits A and B submitted herewith. However, the Commissioner is hereby authorized to charge any fee that may be required to effect the relief sought by way of this Petition to Perfect Priority Claim to Deposit Account No. 12-1216.

(iv) Applicants hereby state and confirm that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(5)(ii) and the date the claim was filed was unintentional.

If a telephone conference would expedite the handling of this Petition, the Office is invited to call the undersigned agent.

Respectfully submitted,



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Date: November 10, 2010

EXHIBIT A

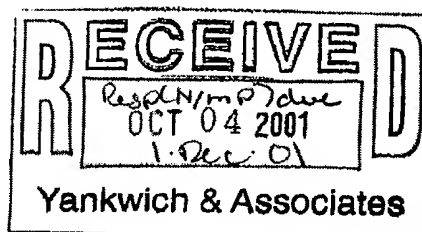
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**UNITED STATES PATENT AND TRADEMARK OFFICE**

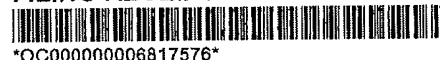
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/932,613	08/17/2001	1632	4686	DYX-025.1 US		71	23

Leon R. Yankwich, Esq.
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CONFIRMATION NO. 5083

FILING RECEIPT

OC000000006817576

Date Mailed: 10/01/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

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Tony J. Fleming, Waltham, MA;
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Domestic Priority data as claimed by applicant

THIS APPLN CLAIMS BENEFIT OF 60/226,700 08/18/2000

Foreign Applications

If Required, Foreign Filing License Granted 09/28/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Binding polypeptides and methods based thereon

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

EXHIBIT B



US 20030091565A1

(19) **United States**

(12) **Patent Application Publication**
Beltzer et al.

(10) **Pub. No.: US 2003/0091565 A1**
(43) **Pub. Date: May 15, 2003**

(54) **BINDING POLYPEPTIDES AND METHODS
BASED THEREON**

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(21) Appl. No.: **09/932,613**

(22) Filed: **Aug. 17, 2001**

Related U.S. Application Data

(60) Provisional application No. 60/226,700, filed on Aug.
18, 2000.

Publication Classification

(51) **Int. Cl.⁷** **A61K 39/395**
(52) **U.S. Cl.** **424/144.1**

(57) **ABSTRACT**

Binding polypeptides that specifically bind BLYS protein or BLYS-like polypeptides can be used in methods of the invention for detecting, diagnosing, or prognosing a disease or disorder associated with aberrant BLYS or BLYS receptor expression or inappropriate function of BLYS or BLYS receptor, comprising BLYS binding polypeptides or fragments or variants thereof, that specifically bind to BLYS. The present invention further relates to methods and compositions for preventing, treating or ameliorating a disease or disorder associated with aberrant BLYS or BLYS receptor expression or inappropriate BLYS function or BLYS receptor function, comprising administering to an animal, preferably a human, an effective amount of one or more BLYS binding polypeptides or fragments or variants thereof, that specifically bind to BLYS.